



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 5
 77 WEST JACKSON BOULEVARD
 CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
 WN-16J

SEP 30 2015

Ms. Tiffani Kavalec, Chief
 Division of Surface Water
 Ohio Environmental Protection Agency
 Post Office Box 1049
 Columbus, Ohio 43216-1049

Re: U.S. Environmental Protection Agency Review of the NPDES Draft General Permit
 "Authorization for Discharges Associated with Coal Surface Affectment Activities," Permit
 No. OHM000004

Dear Ms. Kavalec:

The U.S. Environmental Protection Agency (EPA) has conducted a preliminary review of the above-referenced National Pollutant Discharge Elimination System (NPDES) draft permit and supporting documents received on August 21, 2015. We sent preliminary comments to OEPA on September 15, 2015. This is the follow-up letter that we promised in the September 15th letter.

Our follow-up comments on the draft general permit are provided in the Enclosure. We look forward to discussing our comments and approaches for addressing the comments in a revised draft permit, at your convenience. As mentioned in our earlier letter, we are open to participating in any future stakeholder meetings that you may schedule concerning this permit.

Thank you for all the work you have done on this draft permit and your consideration of our comments.

Sincerely,

Kevin M. Pierard, Chief
 NPDES Programs Branch

Enclosure

cc: Erin Sherer, OEPA, via email
 Sara Hise, OEPA, via email

Enclosure

U.S. Environmental Protection Agency
 Preliminary Review NPDES Draft General Permit
 “Authorization for Discharges Associated with Coal Surface Affectment Activities”
 Permit No. OHM000004

In addition to the issues identified in Enclosure A to our letter, dated September 15, 2015, we have identified the following issues with the draft general permit in our preliminary review.

a. **Eligibility.**

Further to comment e.4. in our September 15 letter, the eligibility language should be changed to apply to discharges from surface coal mining activities, not to the activities themselves. In other words, it is the discharges of pollutants from the activities that would be covered under any general permit, not the activities themselves.

b. **Authorization.**

1. I.C.1.: Change “water” to “pollutants.” This change should be made throughout the draft general permit (i.e., the permit would cover “discharges of pollutants” not “discharges of water”).
2. I.C.2: Eliminate the reference to the United States Army Corps of Engineers.

c. **Deadlines for Notification.**

II.F.: Change “may” to “must” in the first sentence.

d. **Monitoring Requirements.**

Selenium is known to be present in coal mining related discharges. To fill the data gap regarding the presence of selenium in discharges that would be subject to the draft general permit, please add selenium monitoring to the requirements, and indicating that the method detection limits need to be no higher than 2 µg/L.

e. **Special Effluent Limitations and Monitoring Conditions.**

III.B.4.: Change “more” to “most.”

f. **Signature and Plan Review.**

IV.C.4.: Section 308(b) of the CWA does not include a provision that allows for the assessment of a reasonable fee for copying records. Consequently, please delete the third sentence from this subpart. In addition, the regulations at 40 CFR Part 2, Subpart B do not include “facility security measures” as confidential business information *per se*. Nor are we aware of any class determination that has been made for such information. Therefore, please revise the final sentence as follows: “The permittee may claim any portion of the storm water prevention plan as confidential in accordance with 40 CFR Part 2, including any portion of the plan describing facility security measures.”